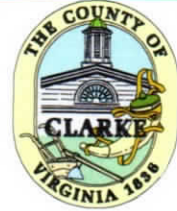


Clarke County

PLANNING COMMISSION BRIEFING MEETING MINUTES TUESDAY, DECEMBER 1, 2015



A briefing meeting of the Planning Commission of Clarke County, Virginia, was held at the Berryville/Clarke County Government Center, Berryville, Virginia, on Tuesday, December 1, 2015.

ATTENDANCE

Anne Caldwell (Vice-Chair), Robina Bouffault, Randy Buckley, Scott Kreider, Frank Lee, Gwendolyn Malone, Jon Turkel, and Douglas Kruhm

Absent: George L. Ohrstrom, II, (Chair); Cliff Nelson; John Staelin

Staff Present: Brandon Stidham, Planning Director; Ryan Fincham, Senior Planner/Zoning Administrator

Others Present: None

CALLED TO ORDER

Vice-Chair Caldwell called the meeting to order at 3:00.

AGENDA

Commissioners voted to approve the meeting agenda.

Yes: Bouffault (moved), Lee (seconded), Caldwell, Buckley, Kreider, Malone, Turkel, Kruhm

No/Abstain: None

Absent: Ohrstrom, Nelson, Staelin

Mr. Stidham and Mr. Fincham provided an overview of the agenda items for the December 4 meeting. Mr. Stidham noted that the agenda currently does not include the proposed FOC District development regulations text amendment, but that the Commission may want to consider adding it following the discussion later in this meeting.

Regarding text amendment TA-15-04, Vice-Chair Caldwell reported that County Attorney Bob Mitchell recently met with the Board of Zoning Appeals to review the State Code changes and that the members are comfortable with them. She added that the changes really do help to clarify the BZA's standard of review.

Regarding the Agricultural & Forestal District Six-Year Review, Ms. Bouffault asked whether the withdrawal of an AOC-zoned property from the District would affect the property's zoning classification. Mr. Stidham replied that the AFD program is separate from zoning and does not

impact the property's zoning district classification. He also noted that if a property is withdrawn from the District, it is not automatically removed from the Land Use Assessment program so long as that property owner continues to meet the requirements that are enforced by the Commissioner of the Revenue. Ms. Bouffault asked how the AFD program affects dwelling unit rights and development capacity. Mr. Stidham replied that District properties are limited to one minor subdivision, or one boundary line adjustment with a non-District property that reduces the District property's size, during the District term. He added that there is also a limitation on the types of special uses that may be applied for while the property is in the District.

Regarding MS-15-02 (Dunning Family Limited Partnership), Mr. Fincham indicated that the applicant intended to apply for a boundary line adjustment if the minor subdivision is approved. Members asked to see the proposed boundary line adjustment plat and asked questions about how it related to the minor subdivision. Mr. Lee and Mr. Buckley indicated that they have conflicts and would be recusing themselves from voting on this application. Mr. Lee indicated that he did the soil work on the property. Ms. Bouffault asked for more information on the proposed septic system, and Mr. Fincham and Mr. Lee answered her questions. Ms. Bouffault asked if the property could be approved for a 3-bedroom alternative septic system but have a 1-bedroom conventional system installed. Mr. Fincham said that the property owner would have to install the system that the Health Department permits and that Health Department staff would inspect the site to ensure that the permitted system is properly installed.

Old Business Items

None.

New Business Items

Mr. Stidham reviewed the proposed text amendment to modify development regulations in the FOC District that was developed by the Policy Committee and Staff. Regarding the cost impact estimates provided by Anderson & Associates, Vice-Chair Caldwell asked for confirmation that by "conservative estimates" that Mr. Stidham meant they were high estimates, and Mr. Stidham replied yes. Mr. Lee asked how erodible soil would be determined and Mr. Stidham replied that the County Soil Survey would be used. Mr. Lee also asked how Staff would enforce regulations regarding buffer areas and Mr. Stidham replied that they would have to be handled on a complaint basis if outside the scope of the development process.

Ms. Bouffault asked why 3-A-2-f-8(d) was being edited to remove the Planning Commissioner involvement in the approval of certain permitted clearing activities. Mr. Stidham replied that the County Attorney indicated that a single planning commissioner cannot be empowered with administrative approval authority so the subsection is amended to leave this authority exclusively with the Zoning Administrator. Ms. Bouffault said she was concerned that this eliminates the Planning Commission from the process altogether and Mr. Stidham suggested that it could be reworded to require full Planning Commission approval. Ms. Bouffault said that at a minimum the Planning Commission should be notified when these clearing activities are approved as they often receive calls from citizens asking for information when clearing occurs. She added that she did not think the Commission needed to have approval authority but should receive some kind of alert when

they happen. Vice-Chair Caldwell suggested that these activities could be included in the monthly report that the Planning Department sends out.

Regarding the removal of fences from the list of other permitted clearing activities in 3-A-2-f-8, Mr. Lee asked how much clearing is required to install a fence. Mr. Stidham replied that by removing fence installation from the list of permitted clearing activities, fences may only be installed in the buffer if it can be accomplished without any clearing. Otherwise, the fence would have to be installed outside of the buffer or in conjunction with a farm management plan.

Regarding 3-C-2-y, Siting of Propane Tanks, Mr. Stidham indicated that Staff is proposing two approaches. The first approach involves allowing propane tanks to be installed above ground if they are screened from view by adjacent properties using plantings, fencing, or similar means. He indicated that this approach will require Staff to review and approve a screening plan and also to conduct compliance inspections to ensure that the screening is properly installed. The second approach would involve eliminating this section altogether in order to avoid the additional administrative costs of ensuring compliance with the screening regulations. Mr. Lee asked if we could recommend that tanks be placed underground, and Mr. Stidham replied that we typically do not include recommendation language in the Zoning Ordinance text. Ms. Bouffault stated that propane tanks should be screened due to their appearance but suggested that enforcement could be by complaint basis. Mr. Kruhm asked whether the Planning Commissioner for the applicable district could investigate propane tank complaints, and Mr. Stidham replied that we do not want to have to involve Commissioners in enforcement actions. Mr. Buckley asked whether the Building Department Staff could perform this inspection since they have to inspect the site for compliance with Building Code requirements. Mr. Stidham said that we do not currently have the Building Department perform zoning compliance inspections and he does not recommend having them do so under current staffing levels.

Mr. Fincham noted that one of the drawbacks to requiring all tanks to be installed underground is that customers who lease tanks and then switch propane companies are often required to return the tank and install a new tank provided by their new propane company. This results in additional expense to the homeowner and he added that leasing is the most common option for residential propane customers. Mr. Kreider noted that some companies will not fill a propane tank unless they were the company that provided the tank.

Ms. Bouffault suggested keeping the screening plan language as presented by Staff. The members agreed with this approach and also agreed to place the text amendment on the December 4 agenda to set Public Hearing.

Other Business

Mr. Stidham indicated that the next Telecommunications Subcommittee meeting would be scheduled in early January after either the briefing meeting or regular meeting. He noted that the next Policy Committee meeting would be held on December 4 after the regular meeting. He also reported that the Berryville Area Development Authority will be meeting on December 16 and is expected to set Public Hearing on the final draft of the revised Berryville Area Plan for some time in mid-January.

He also stated that there has been no further action from the Town of Berryville Planning Commission on the Business Park District uses text amendment and that Christy Dunkle indicated that she would speak with Jon Turkel directly about next steps.

Vice-Chair Caldwell asked whether the Planning Commission will be receiving copies of the Berryville Area Plan final draft and Mr. Stidham said yes. She also reminded the members to complete their Conflict of Interest forms and turn them in to Lora Walburn in the County Administrator's office as soon as possible.

Ms. Bouffault raised the subject of the Berryville Area Plan prior to the conclusion of the meeting. She said that the question has been asked as to whether the Plan is still needed and whether the Annexation Area Agreement should be revisited to determine whether the Town should complete the annexation of Area B on their own. Mr. Lee stated that the original intent of the Plan was to identify different areas for development and what would be the best type of development for those areas, and that these ideas have changed over time. Ms. Bouffault asked whether there would be additional cost to the Town to move forward with annexation and to manage these areas on their own. Mr. Stidham replied that he believed that the Town did not initiate annexation until an area had an approved plan of development and was ready to be served with public utilities. Ms. Bouffault noted that the limiting factor for development is the capacity of the Town's wastewater treatment plant, and Mr. Lee added that water capacity is also a limiting factor. Mr. Lee added that the Berryville Area Development Authority was originally created to enable the Town and County to work together jointly in reviewing proposed development projects, and that the Town may be able to perform this function now on their own. Ms. Bouffault said that this would allow duplicative regulations to be eliminated. Mr. Lee said that the only drawback is that the County would not have any authority over development projects but that this would not be an issue if the land had already been annexed by the Town. Mr. Stidham suggested that the first step should be for the Town to update their Comprehensive Plan. Mr. Lee said that potential areas for future annexation may be an issue to be resolved, and Ms. Bouffault said that this would have to be agreed to between the Town and County. Vice-Chair Caldwell suggested that once the revised Berryville Area Plan is adopted, the current agreement could be rescinded. Ms. Bouffault said that costs to the Town and terms of future annexations will need to be negotiated between the Town and County. Vice-Chair Caldwell asked if the Town has the water and sewer capacity to support the Annexation Area at full build-out and Mr. Lee said yes, noting that water and sewer planning has been based on the Berryville Area Plan. Ms. Bouffault said that this idea should be discussed in an effort to eliminate duplicative regulation.

The meeting was adjourned at 4:32PM.



Anne Caldwell, Vice-Chair



Brandon Stidham, Planning Director